

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 24, 2002 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 24, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: California Youth Vote Platform Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-267)

Proclaiming September 24, 2002 to be "California Youth Vote Platform Day" in the City of San Diego, in recognition of its efforts to provide education, gather support and increase participation in the political process for our country's young people.

SPECIAL ORDERS OF BUSINESS

ITEM-31: Dr. Carroll W. Waymon Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-263)

Commending Dr. Carroll W. Waymon for his commitment and contributions to the City of San Diego;

Proclaiming September 24, 2002 to be "Dr. Carroll W. Waymon Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Teen Court Month.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-359)

Proclaiming September 2002 to be "Teen Court Month" in the City of San Diego.

SUPPORTING INFORMATION:

Councilmember Brian Maienschein and City Attorney Casey Gwinn combined two juvenile programs in October 2001 to create the City of San Diego Teen Court.

Teen Court is recognized for reducing juvenile crime in San Diego by holding young offenders accountable for their crimes while teaching hundreds of high school students about the criminal justice system.

Teen Court holds sentencing hearings for first-time juvenile offenders where high school students serve as jurors, attorneys, bailiffs and court clerks.

City Attorneys, Public Defenders and Police Officers go to high schools all over the City and train students for each court session while also teaching various aspects of the criminal justice system; and the sentences imposed by Teen Court juries are binding and require the offender to complete various tasks assigned by the jury.

Each offender also appears before a Sanction Review Panel of other students to report on the

progress of completing his or her sentence, which may include workshops related to the crime committed, writing assignments and letters of apology, community service, future jury service, or imposed curfews.

Teen Court continues to expand throughout the City of San Diego and currently serves over 50 offenders and their families each academic year, and trains nearly 900 high school students on criminal justice issues.

Maienschein/BE

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

ORDINANCES TO BE INTRODUCED:

Items 52 and 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, and 105.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Adoption of the 2001 California Building Codes and Fire Code and Associated Municipal Code Amendments.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 9/09/2002. (Council voted 7-0. Councilmembers Peter and Frye not present):

Subitem-A: (O-2003-50)

Amending Chapter 11, Article 1, Division 2, of the San Diego Municipal Code by amending Section 111.0207; amending Chapter 12, Article 9, Division 1, by amending Sections 129.0104 and 129.0113; Division 2, by amending Sections 129.0203 and 129.0214; Division 5, by amending Section 129.0503; amending Chapter 14, Article 5, Division 1, by amending Sections 145.0101, 145.0103, 145.0104, 145.0105, 145.0106, and 145.0107; Division 2, by amending Sections 145.0201, 145.0202, 145.0203, 145.0204, 145.0205, and 145.0207; Division 4, by amending Sections 145.0404, 145.0405, 145.0406, 145.0407, 145.0408, 145.0409, 145.0410, 145.0411, 145.0412, 145.0415, and 145.0426, all pertaining to Building Regulations.

Subitem-B: (O-2003-51)

Amending Chapter 5, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 55.0101 and 55.0103; Division 9, by amending Sections 55.0901, 55.0902 and 55.0903; Division 10, by adding Section 55.1001, and amending Section 55.1003; Division 25, by amending Section 55.2501; Division 77, by amending Section 55.7701; Division 78, by amending Section 55.7802; Division 81, by amending Section 55.8102; Division 91, by amending Section 55.9101; Division 92, by amending Section 55.9201, all pertaining to Fire Regulations.

Amending Chapter 12, Article 9, Division 3, of the San Diego Municipal Code, by amending Section 129.0303; amending Chapter 14, Article 6, Division 1, by amending Sections 146.0102, 146.0103, 146.0104, 146.0105, and 146.0106; amending Division 2, by amending Sections 146.0202, 146.0203, and 146.0204, by

repealing Sections 146.0206, 146.0207, 146.0208 and 146.0210, and by renumbering Section 146.0209 to Section 146.0206, all pertaining to Electrical Regulations.

Subitem-D: (O-2003-53)

Amending Chapter 12, Article 9, Division 4, of the San Diego Municipal Code by amending Sections 129.0404 and 129.0413; amending Chapter 14, Article 7, Division 1, by amending Sections 147.0102, 147.0103, 147.0104, 147.0105, 147.0106, and 147.0107 and Division 4, by amending Section 147.0403, all pertaining to Plumbing and Mechanical Regulations.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: State Water Resources Control Board - Low Interest Loan - Point Loma Fourth Sludge Pump Modification Project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/09/2002. (Council voted 7-0. Councilmembers Peter and Frye not present):

(O-2003-55)

Authorizing the City Manager and his duly designated representatives to apply for, enter into, conduct all negotiations for, and execute and comply with all loan requirements regarding matching funding to fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager or his duly authorized representatives to enter into specified SRF loans for the Point Loma Fourth Sludge Pump Modifications Project, CIP-41-925.0, in an amount not to exceed \$3,900,000;

Designating the Net System Revenue (as defined in the Master Installment Purchase Agreement, dated as of September 1, 1993, between the City and the Public Facilities Financing Authority of the City of San Diego, as originally executed and as it may from time to time be amended or supplemented in accordance with the provisions thereof) as the dedicated source of funds for repayment of the SRF loans made by the SWRCB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB;

Declaring that the City Manager or his duly designated representatives may execute the documents for the loans.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-52: Office Space Lease Amendment - Civic Center Plaza Building - City Attorney's Office.

(Centre City/Downtown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-41)

Introduction of an Ordinance authorizing the City Manager to execute a Tenth Amendment to Lease Agreement with Civic Center Associates for additional office space of approximately 4,027 square feet on the 16th floor of the Civic Center Plaza Building, for the Office of the City Attorney, commencing May 16, 2002 and terminating July 23, 2014, at an initial monthly rent of \$5,436.45;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$73,000 from the Office Space Program Budget, DE #2300033, Line 1, out of the relocation fund account already budgeted in FY02. Fund No. 100, Dept. 601 will pay rent from July 1, 2002 to June 30, 2003. The City Attorney's Office will pay the rent from May 16, 2002 to June 30, 2002, out of its department budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City Attorney's Office currently leases space on the 16th floor of the Civic Center Plaza Building located at 1200 Third Avenue. Space requirements for staff have exceeded current capacity. Expansion space has become available that is contiguous with the City Attorney's existing office on this floor.

The City is proposing to lease the space under the following basic lease terms:

TERM - Approximately 12 years. The space is available for occupancy May 16, 2002 and will expire July 23, 2014, the expiration date of the Master Lease.

RENT - \$1.35 per square foot or \$5,436.45 per month. Rent is below market as compared to similar buildings in the downtown area.

USE - General office usage.

SIZE - 4,027 square feet.

TENANT IMPROVEMENTS - Landlord will complete needed tenant improvements at landlord's sole cost and expense. The cost of the improvements is estimated at \$89,050.

FISCAL IMPACT:

\$73,000 will be paid from the Office Space Program Budget out of a relocation account already budgeted in FY02. The funds will be transferred from DE# 2300033, Line 1, into the CCP Budget, Line 18 for rent in FY03. The City Attorney's office will pay the rent from May 16, 2002 to June 30, 2002 out of its budget for FY02. The Fiscal Impact of \$73,000 includes the Base Rent and estimated Operating Expenses for the year.

Herring/Griffith/DLM

Aud. Cert. 2300258.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-53: Installation of Additional Parking Meters on State Street; Union Street; Front Street; Market Street; Island Avenue; First Avenue; Second Avenue; Third Avenue; Fourth Avenue; "G" Street; "J" Street and "K" Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-54)

Introduction of an Ordinance authorizing the installation of additional parking meters on the following streets: the west side of State Street between "E" Street and Market Street, and on the east side of State Street between "G" Street and Market Street on the west side of Union Street between "G" Street and Island Avenue, and on the east side of Union Street between Market Street and Island Avenue; on the west side of Front Street between "G" Street and Market Street, and on the east side of Front Street between "F" Street and "G" Street; on the north side of Market Street between State Street and Union Street and between Front Street and First Avenue, and on the south side of Market Street between Union Street and Front Street, and between First Avenue and Second Avenue; on the north side of Island Avenue between Union Street and Second Avenue, and on the south side of Island Avenue between First Avenue and Second Avenue; on the west side of First Avenue between "F" Street and

“G” Street, and on the east side of First Avenue at the intersection with the vacated portion of “J” Street (approximately 60 feet); on the west side of Second Avenue between Market Street and “J” Street; on the east and west side of Third Avenue between “J” Street and “K” Street; on the east side of Third Avenue between “J” Street and Market Street; on the west side of Fourth Avenue between “K” Street and Market Street; on the north side of “G” Street between Front Street and Fourth Avenue; on the north side of “J” Street between Second Avenue and Fourth Avenue, and on the south side of “J” Street between First Avenue and Third Avenue; on the north side of “K” Street between Third Avenue and Fourth Avenue; and on the west side of 3rd Avenue, between Island Avenue and “J” Street.

CITY MANAGER SUPPORTING INFORMATION:

The Centre City Development Corporation (CCDC) in coordination with residents of the “Marina District” area of the Downtown are proposing the following changes in “Marina District”:

Authorize the installation of additional parking meters on the west side of State Street between “E” Street and Market Street, and on the east side of State Street between “G” Street and Market Street; on the west side of Union Street between “G” Street and Island Avenue, and on the east side of Union Street between Market Street and Island Avenue - on the west side of Front Street between “G” Street and Market Street, and on the east side of Front Street between “F” Street and “G” Street; on the north side of Market Street between State Street and Union Street and between Front Street and First Avenue, and on the south side of Market Street between Union Street and Front Street, and between First Avenue and Second Avenue; on the north side of Island Avenue between Union Street and Second Avenue, and on the south side of Island Avenue between First Avenue and Second Avenue; on the west side of First Avenue between “F” Street and “G” Street, and on the east side of First Avenue at the intersection with the vacated portion of “J” Street (approximately 60 feet); on the west side of Second Avenue between Market Street and “J” Street - on the east and west side of Third Avenue between “J” Street and “K” Street; on the east side of Third Avenue between “J” Street and Market Street - on the west side of Fourth Avenue between “K” Street and Market Street, on the north side of “G” Street between Front Street and Fourth Avenue; on the north side of “J” Street between Second Avenue and Fourth Avenue, and on the south side of “J” Street between First Avenue and Third Avenue; on the north side of “K” Street between Third Avenue and Fourth Avenue; Council action is required in order to establish a parking meter zone according to Municipal Code Section 82.04. And on the Westside of 3rd Avenue, between Island Avenue and J Street.

CCDC received input for these proposals at a number of widely-advertised community meetings. The full Project Area Committee (PAC) considered the proposal at their October 10, 2001 meeting, and unanimously recommended approval of the proposed changes.

On October 16, 2001, the CCDC Board of Directors approved the subject proposal. The proposed parking regulation is consistent with the parking regulations in most areas of the Downtown. The proposed parking changes will increase the turnover of parking and provide a better use of on street parking to businesses in the area.

The City Manager recommends approval for this action.

FISCAL IMPACT:

Costs of installing the 62 new meters (\$51,000) as well as expected meter revenues (\$93,000 annually) will be shared by the City and the Downtown Parking Meter District, with CCDC as its advisory board. The City's share is 55% and the Parking Meter District's share is 45%. The City's share of installation expenses (\$28,000) will be identified in the Transportation Department's budget over the next two years.

Loveland/Gonzalez/AH

Aud. Cert. 2300175.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-100: Planning and Design Agreement with Boyle Engineering Corporation for Sewer and Water Group Jobs.

(See Memorandum from Frank Belock dated 7/23/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-56)

Authorizing the City Manager to execute an agreement with Boyle Engineering Corporation, for planning and design of sewer and water group jobs City-wide for the Engineering and Capital Projects Department, in an amount not to exceed \$2,000,000;

Authorizing the expenditure of an amount not to exceed \$300,000 from Water Fund 41500, and \$1,700,000 from Sewer Fund 41506, provided that the City Auditor first furnishes a certificate certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In an effort to support the increase rate of replacement of the City's aging sewer lines, it was

anticipated that the use of consultant services would be needed. On August 24, 2001, the City Consultant Services Coordinator advertised for engineering consulting firms to provide planning and design services for various sewer and water group jobs. The advertisement had placed in the San Diego Daily Transcript, Voice and Viewpoint Journal, Asian Journal, La Prensa, San Diego, Integrated Marketing Systems, and City of San Diego Web Page/Public Notice. Twenty-four (24) firms responded and on October 25, 2001, the Consultant Nominating Committee nominated the seventeen (17) most qualified engineering firms to participate in the selection process. In conformance with Council Policy 300-7, these firms were interviewed and the firm of Boyle Engineering Corporation was selected as one of the most qualified firms to provide the two years consulting services.

Engineering services required of the Consultant include preparing planning and design packages, responding to design related questions during bidding, reviewing contractor's submittals, and preparing "As-built" drawings. These consultant services are required in order to meet the anticipated planning and design needs for the expanded sewer main replacement program. The sub-consultants anticipated to be utilized for this work are: Katz & Associates, Inc., Ninyo & Moore, Tierra Environmental, Lintvedt, McColl & Associates, DeC Consultants Inc., and Roy F. Weston.

This agreement provides for planning and design of sewer and water group jobs by task on an hourly basis such that the fee for an individual project does not exceed \$200,000 per task and is within the standards and norms of the industry. The total contract cost shall not exceed \$2,000,000 for a period of two (2) years (from the date of execution by the City) or the completion of the last authorized task.

FISCAL IMPACT:

The total estimated cost of this agreement is \$2,000,000. Funding of \$300,000 is available from Water Fund 41500 and \$1,700,000 from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2300015.

WWF-02-605.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-101: Program Management/Construction Management Services for the Metropolitan Wastewater Department.

(See City Manager Report CMR-02-173.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-351)

Authorizing the City Manager to execute an agreement with Earth Tech, Inc. in an amount not to exceed \$15,000,000, for As-Needed Construction Manager/Program Manager Services;

Authorizing the expenditure of an amount not to exceed \$15,000,000 in total from Funds 41506, 41508 and 41509.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/31/2002, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer and Inzunza voted yea. Councilmember Peters not present.)

Aud. Cert. 2300212.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: 2002/2003 Winter Shelter Program and Neil Good Day Center Operators.

(See City Manager Report CMR-02-121.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-332)

Accepting the City Manager's recommendation outlined in City Manager's Report CMR-02-121 and approved by the Land Use and Housing Committee on May 29, 2002, with the additional language in the City Manager's Report pertaining to the gradual/step-down shelter closure process;

Establishing the Winter Shelter fund and the Neil Good Day Center fund and authorizing the City Auditor and Comptroller to appropriate and expend \$327,000 for the purpose of operating the 2002/2003 Winter Shelter Program, and \$347,840 for the purpose of operating the Neil Good Day Center, providing that an Auditor's Certificate is furnished demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and execute agreements and leases associated with implementing the 2002/2003 Winter Shelter Program and the Neil Good Day Center, provided that the Auditor and Comptroller first furnishes a certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to accept and expend contributions associated with the approved 2002/2003 Winter Shelter Program and the Neil Good Day Center.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/29/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation with additional direction to close all three winter shelters in stages. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On Wednesday, May 29, 2002, the Land Use and Housing Committee Voted 5-0 to approve the Manager's recommendations as outlined in the City Manager's Report CMR-02-121, 2002/2003 Winter Shelter Program and Neil Good Day Center Operators. The Committee also directed the City Manager to implement the gradual/step-down shelter closure process included in the discussion portion of the Manager's Report at an additional cost of \$20,000. This additional cost was not included in the original budget. Staff is in the process of identifying potential funding sources. If no funding source is identified for the additional \$20,000, the planned step-down closure process will not be employed.

The City applied to State of California, Department of Housing and Community Development, Emergency Assistance Program to renew its two (2) \$100,000 grants awarded last year to fund a portion of both the Winter Shelter Program and Cortez Hill Family Programs. Unfortunately, neither of these grants was renewed resulting in the Cortez Family Program experiencing a significant shortfall in anticipated revenue. Both the operator and the City Staff are attempting to identify and pursue other revenue sources.

FISCAL IMPACT:

The total projected annual cost is \$674,840. The programmatic breakdown is as follows: Single Adult Shelter - \$182,000, Veterans Shelter - \$145,000 and the Neil Good Day Center - \$347,840. Funding sources include Emergency Shelter Grant - \$574,000, Housing Commission - \$48,087, Community Development Block Grant - \$18,473, General Fund - \$9,280 and the County of San Diego - \$25,000.

Herring/Cunningham/DFF

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Downtown Partnership Request for Additional Banners Downtown.

(Centre City Community Area. District-2.)

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-298)

Declaring that in accordance with the San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Market Street, from 10th Avenue to Columbia (50 poles, 50 banners), and C Street, from 3rd Avenue to 7th Avenue (20 poles, 40 banners);

Declaring that the Downtown Partnership shall maintain the banners and all associated equipment within the right-of-way, reference herein, and shall secure all necessary approvals from the City of San Diego prior to the installation of banners.

SUPPORTING INFORMATION:

The Downtown Partnership would like to expand the Banner Program to Market Street, from 10th Avenue to Columbia (50 poles, 50 banners), and C Street, from 3rd Avenue to 7th Avenue (20 poles, 40 banners). The requested banner zones would provide an ongoing, continually revolving festive banner program to a more comprehensive area of downtown San Diego. The banner program will communicate events, conventions and major milestones of interest (i.e. Super Bowl) to visitors and residents throughout downtown.

Currently, the Partnership administers the banners for the following areas: Broadway, Harbor Drive, and Park Blvd.

Wear/DG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Liz O'Brien Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-369)

Proclaiming Monday, September 16, 2002 to be "Liz O'Brien Day" in the City of San Diego to recognize and celebrate her contributions to the community.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Deborah Horwitz Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-370)

Proclaiming Thursday, October 3, 2002 to be "Deborah Horwitz Day" in the City of San Diego to recognize and celebrate her contributions to the community.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:**

ITEM-150: Proposed Amendments to Council Policy 000-04 (Mandatory Ethics Training).

(See memorandum from Charles B. Walker dated 9/5/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-363)

Amending Council Policy 000-04 entitled "Code of Ethics" to read "Code of Ethics and Ethics Training;"

Amending Council Policy 000-04 as set forth in the proposed Council Policy amendment, to include the implementation of mandatory ethics training for certain City officials and members of City boards and commissions;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 9/11/2002, RULES voted 5-0 to approve the proposed changes to Council Policy 000-04. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Street Name Change - Twelfth Avenue to Park Boulevard.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-50)

Changing the name of a portion of Twelfth Avenue to Park Boulevard;

Authorizing the installation and removal of the necessary signs and markings;

Declaring that the street signage shall indicate both the old street name and the new street name for a period of one year following adoption of the resolution, for the convenience of the general public.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to change the name of Twelfth Avenue to Park Boulevard south of Russ Boulevard and north of K Street. The approved parcel map for the Ball Park includes a new street, named as Park Boulevard, from K Street at Twelfth Avenue continuing to Harbor Drive. The street name change will provide continuity of the street name of Park Boulevard from Russ Boulevard to Harbor Drive.

In 1994 the Centre City Development Corporation, working with the community, developed the East Village Focus Plan. This plan was adopted by the City of San Diego and is one of the documents that guides public and private development in the East Village Area. A goal of the plan was to rename Twelfth Avenue to Park Boulevard.

The East Village Focus plan specifically states that action should be taken to change the street name from Twelfth Avenue to Park Boulevard concurrent with actual right-of way improvements to upgrade the street. The process of renaming the street, in conjunction with streetscape enhancements, will create a park-like extension of Park Boulevard from Balboa Park into Centre City. Furthermore, the name change and forthcoming enhancements will create the continuity necessary to facilitate the Park to Bay Link.

The East Village Association, the Project Area Committee and the CCDC Board have endorsed the proposed street name change.

A petition seeking support of the street name change was distributed by CCDC to the affected property owners. The majority have indicated their approval. However, several owners have not responded.

The Planning Commission voted unanimously, on March 21, 2002, to recommend approval of the street name change.

FISCAL IMPACT: None.

DEVELOPMENT SERVICES DEPT. RECOMMENDATION: Approval of this request.

Ewell/Broughton/AKW

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: Property Acquisition - East Elliott.

(East Elliott Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-326)

Authorizing the City Manager, or his designee, to acquire property rights to be used to adjust the boundary line to the MHPA, as approved by the United State Fish and Wildlife Service and California Department of Fish and Game in June 2002;

Authorizing the expenditure of \$340,000 from Facilities Benefit Assessment Fund No. 79006, CIP-29-756.0, Camino Ruiz Neighborhood Park.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Camino Ruiz Neighborhood Park project site is located at the northern terminus of Camino Ruiz, on the southern rim of Peñasquitos Canyon in the Mira Mesa Community Planning Area of the City Of San Diego.

The project includes development of a 12.3 acre neighborhood park consisting of active recreational area which would accommodate up to five ball fields or three soccer fields, a tot lot, a dog run area, a 1,300 square foot concession stand/restroom facility, picnic area, 180 parking spaces, and other related park amenities.

Implementation of the proposed Camino Ruiz Neighborhood Park project would result in direct impact to 3.4 acres of the adjacent Multiple Habitat Planning Area (MHPA). Property within the East Elliott area is being considered for preservation within the MHPA to offset the proposed encroachment into the MHPA. East Elliott, located in the eastern portion of the City, is a biologically-critical region deemed essential for continued conservation of bio-diversity within the region.

Use of the East Elliott property for the proposed MHPA boundary line adjustment was approved by the United States Fish and Wildlife Service and California Department of Fish and Game in June 2002.

This action requests authorization for the expenditure of an amount not to exceed \$340,000 to allow the City to purchase the necessary real estate being considered for the proposed MHPA boundary adjustment.

FISCAL IMPACT:

Funds in the amount of \$340,000 are available from Facilities Benefit Assessment Fund No. 79006, CIP-29-756.0, Camino Ruiz Neighborhood Park.

Herring/Griffith/NS

Aud. Cert. 2300252.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval - Torrey View Estates.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Torrey View Estates," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southeasterly of El Camino Real and Arroyo Sorrento Road in the Carmel Valley Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Pending Final Map Approval - The Grande at Santa Fe Place.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "The Grande at Santa Fe Place," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located northwesterly of Broadway and California Street in the

Centre City Community Plan Area in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Vacation of a portion of Ivy Street between Commonwealth Avenue and Pentuckett Avenue.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-176)

Vacating a portion of Ivy Street between Commonwealth Avenue and Pentuckett Avenue.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Ivy Street located in the Greater North Park Community area within Council District (3). The street was dedicated on Map No. 1052 ½ in 1915. The width of this portion of Ivy Street is 30" and is also substandard based on requirements in the Street Design Manual. The area of the street to be vacated is unimproved and there are no plans to construct a street at this location due to the steep terrain and the topography of the land. A general utility and access easement will be reserved over the southerly 10 feet of the area to be vacated. The area to be vacated is part of a canyon and the applicant wishes to apply for a building permit to construct a house using much of the flat area as possible. On September 18, 2001, the Greater North Park Community Planning Committee recommended approval of the street vacation by a vote of 4-3-1. The street area

to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built or widened at this location due to the steep terrain and the topography of the land.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a RS-1-7 zone which is consistent with the community plan land use designation. The Greater North Park Community Planning Committee recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: The Alfred E. Banks House - 4055 Third Avenue.

Matter of the appeal by Wells Fargo Bank as Trustee of the Fitzgerald Trust, from the decision of the Historical Resources Board in approving the historical site designation of property located at 4055 Third Avenue in the City of San Diego.

(See City Manager's Report CMR No. 02-204. Uptown Community Plan area. District - 3.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-)

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal of Wells Fargo Bank as Trustee of the Fitzgerald Trust and uphold the action of the Historical Resources Board.

OTHER RECOMMENDATIONS:

Historical Resources Board voted 10-4-0 on July 25, 2002 to approve the building's designation.

Ayes: Marshall, Sewell, Emme, Ahern, Cheng, Ulloa, Malone, Burnett, Christenson, Schwartz
Nays: Brooks, Edwards, McNeely, Sherr

CITY MANAGER'S SUPPORTING INFORMATION:

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of July 25, 2002, to designate the Alfred E. Banks House as a City of San Diego Historical Resource Site. The appeal was submitted by the owner of the site, Wells Fargo Bank as Trustees for The Fitzgerald Trust, on August 2, 2002. The property is located at 4055 Third Avenue, in the Hillcrest area of the Uptown Community, Council District 3. The site has three buildings located on it, only one of which was designated by the HRB. The designated building is the Craftsman house toward the front of the site facing Third Avenue. The other two smaller structures at the rear of the site facing the alley were not designated.

Ewell/Goldberg/TD

LEGAL DESCRIPTION:

The subject property is located at 4055 Third Avenue, (APN 444-522-07), and is further described as South ½ of Lot 7, all of Lot 8, Block 4, Map 1069 in the City of San Diego, County of San Diego, State of California.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Pacific Highlands Ranch Units 5 - 11.

Matter of approving, conditionally approving, modifying or denying a Vesting Tentative Map (which includes street and easement vacations), Planned Development Permit, Site Development Permit, and an MHPA Boundary Adjustment to develop 999 single-family dwelling units, 108 affordable housing units, a 15-acre elementary school/neighborhood park site, and a 2.6-acre private community recreation center. The project site includes

456-acres located generally north of proposed Carmel Valley Road and northeast of proposed Del Mar Heights Road, within Pacific Highlands Ranch Subarea III.

(See City Manager's Report CMR No. 02-202. VTM w/Street and Easement Vacations-7248/PDP-7250/SDP-7251/MHPA Boundary Line Adjustment. Pacific Highlands Ranch Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and adopt the resolution in subitem C to grant the permit and Boundary Line Adjustment:

Subitem-A: (R-2003-297)

Adoption of a Resolution certifying that the information contained in Master Environmental Impact Report No. 41-0185, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the site development permit, planned development permit, vesting tentative map with street and easement vacations, and an MHPA boundary line adjustment for the Pacific Highlands Ranch Units 5-11 project;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-305)

Adoption of a Resolution certifying the findings with respect to Vesting Tentative Map No. 7248;

That pursuant to California Government Code section 66434(g), a portion of Old Survey No. 57, known as Black Mountain Road, dedicated by County of San Diego Board of Supervisors Minutes in Book 7, Page 200, dated February 27, 1886, as a portion of the public street, granted to the City of San Diego by grant deeds recorded September 1, 1982, as file No. 82-271463 and file No. 82-271466, located within the project boundaries as shown in Vesting Tentative Map No. 7248, shall be vacated, contingent

upon the recordation of the approved final map for the project;

That pursuant to California Government Code section 66434(g), a portion of the water easement granted to the City of San Diego per document recorded January 7, 1972, as file No. 72-5264, a portion of the water easement granted to the City of San Diego per document recorded March 31, 1971, as file No. 6145, and a portion of the water easement granted to the City of San Diego per documents recorded March 17, 1971, as file numbers 50373, 50374, 50375 and 50376, located within the project boundaries as shown in Vesting Tentative Map No. 7248, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 7248 is granted to Pardee Homes, Applicant and Latitude 33 Planning & Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Planned Development Permit No. 7250, Site Development Permit No. 7251, and MHPA Boundary Line Adjustment, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 1, 2002, voted 7 - 0 to approve; was opposition.

Ayes: Garcia, Lettieri, Anderson, Brown, Chase, Schultz, Steele

There is no officially recognized community planning group for this area.

CITY MANAGER SUPPORTING INFORMATION:

The Pacific Highlands Ranch Units 5-11 project site encompasses 451.6-acres and is centrally located within the Subarea, just north of proposed Carmel Valley Road. The project site is designated within the Pacific Highlands Ranch Subarea Plan for a variety of land uses including an Elementary School, Neighborhood Park, an Urban Amenity, Low Density Residential, and Peripheral Residential.

The Pacific Highlands Ranch Units 5-11 project includes a Vesting Tentative Map (with Street and Easement Vacations), a Planned Development Permit, a Site Development Permit, and an MHPA Boundary Adjustment, to allow for the development of the following project features:

- A. 999 single-family dwelling units;
- B. 108 affordable housing units;
- C. A 15-acre elementary school/neighborhood park site;
- D. A 2.6-acre private community recreation center.

The proposed project site is located in the northern portion of the Pacific Highlands Ranch Subarea Plan, immediately north of the future Carmel Valley Road. The project site is designated within the Pacific Highlands Ranch Subarea Plan for residential development at densities ranging from 2-9 dwelling units

to the acre. The proposed project covers 451.6-acres of the Pacific Highlands Ranch Subarea Plan. As recommended by the Plan, the project includes a wide variety of housing types and affordability ranges that will be supported by future commercial and mixed-uses. The proposed project includes the development of 999 single-family residences and 108 affordable multi-family residences, for a total of 1,107 dwelling units. The project also includes a 10-acre elementary school site, a 5-acre neighborhood park, and a 2.6-acre private recreation center.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/MJW

LEGAL DESCRIPTION:

The project site is located at the northeast corner of Black Mountain Road and Carmel Valley Road, between Del Mar Heights Road and Rancho Santa Fe Farms Road in the Pacific Highlands Ranch Subarea III Planning Area of the North City Future Urbanizing Area (NCFUA) and is more particularly described as Parcels 1 and 2 of Parcel Map No. 11718, Parcel 1 of Parcel Map 9882 and portions of Sections 8, 9, and 16, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Fairbanks Country Villas.

Matter of approving, conditionally approving, modifying or denying a Rezone/Vesting Tentative Map/Easement Vacation/Planned Residential Development Permit and Resource Protection Ordinance Permit No. 99-0329 to develop between 79 and 85 single-family residences on a 92.72-acre site. The site is located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of "Street B," and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon in the Torrey Highlands Subarea IV Plan area. The two development options proposed include: 16 affordable housing units on six lots with 79 single family residences; or 85 single-family residences on-site, with 16 affordable units provided off-site. The proposal also includes two parks, trails, utilities and streets. The existing A-1-10 Zone (Agricultural/Residential, minimum lot size of 10 acres) is proposed to be rezoned to R-1-5000 (Residential, minimum lot size 5,000 square feet).

(RZ/Easement Vacation/VTM/PDP/RPO/Project No. 3327. Torrey Highlands Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and D; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permit; and introduce the ordinance in subitem E:

Subitem-A: (R-2003-318)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 99-0329 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Fairbanks Country Villas project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-)

Adoption of a Resolution granting or denying Vesting Tentative Map No. 7439, with appropriate findings to support Council action.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Planned Residential Development Permit No. 7436 and Resource Protection Ordinance Permit No. 7438, with appropriate findings to support Council action.

Subitem-D: (R-2003-319) Cor. Copy 2

Adoption of a Resolution certifying:

1. That:

- 20' wide \pm traveled way known as Black Mountain Road; and
- Irrevocable Offer of Dedication per Doc. No. 84-393883 recorded 10-18-1984; and
- 50' wide sewer easement per PM 14768; and
- 40' wide water easement per File No. 208450 recorded 08-08-1972; and
- 30' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 60' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 70' wide slope easement per File No. 208450 recorded 08-08-1972; and

- 50' wide slope easement per File No. 208450 recorded 08-08-1972; and
 - Drainage easement per File No. 2000-0023128 recorded 01-14-2000; and
 - Conservation/open space easement per F/P No. 96-0593902 recorded 11-22-96; and
 - Conservation/open space easement per F/P No. 97-0295313 recorded 06-24-1997; and
 - Easement for drainage facilities, excavation, embankment and slopes over all of said Parcel 4, PM 6902; and
 - O.S. 80 per PM 8133 declared a public highway by the Board of Supervisors Memorandum of Proceedings Vol. 9, p. 300 dated 10-15-1988 in connection with Fairbanks Country Villas VTM 99-0329.
2. That the Resolution shall not become effective unless and until the following conditions have been met:
- a. The subdivider shall provide a temporary offsite access connection from Black Mountain Road to Carmel Valley Road such that a continuous thoroughfare is provided to the surrounding neighborhood. Upon Carmel Valley Road's and Camino Ruiz's construction and acceptance by the City Engineer then this temporary offsite access shall be closed.
 - b. The final map for Fairbanks Country Villas, VTM 99-0329 has been approved by the City Council.

In the event the above conditions are not satisfied within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, this Resolution shall become void and be of no further force or effect.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this Resolution, attested by him under seal. To be recorded in the Office of the County Recorder.

Subitem-E: (O-2003-59)

Introduction of an Ordinance incorporating the Fairbanks Country Villas property, located south of Carmel Valley Road, northeast of future State Route 56, north of Street B and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon, in the Torrey Highlands Subarea IV Plan area, from the RS-1-14 zone (previously referred to as the R-1-5000 zone) into the OC-1-1 (Open Space Conservation) zone, as defined by San Diego Municipal Code section 131.0231; and repealing Ordinance No. 8858 (New Series), adopted August 9, 1963, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on August 8, 2002, voted 5 - 0 to approve; no opposition.

Ayes: Garcia, Anderson, Lettieri, Chase, Schultz

Not present: Brown, Steele

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

Requested discretionary actions include a Rezone (A-1-10 to RS-1-14 [R-1-5000] and OC-1-1), a Vesting Tentative Map, a Planned Development/Resource Protection Ordinance permit, on-site Street Vacation/Easement Abandonment. The project is subject to the regulations in place prior to the adoption of the Land Development Code on January 1, 2000.

The project proposed to provide a total of 95 dwelling units. Seventy-nine (79) units will be market rate, single dwelling units and 16 units will be affordable apartments. The project also includes an option that would allow 85 market rate, single dwelling units onsite, if the 16 affordable housing units are located at an offsite location within the Torrey Highlands Subarea.

The proposed subdivision is divided into two units. Unit 1 is located on the northern rim of McGonigle Canyon, Unit 2 on the southern rim. The area between the two "Units" encompasses the floor and walls of McGonigle Canyon, and would be left undeveloped providing a 900 to 1,148-foot-wide open space corridor (representing 72% of the site).

The project would improve Street "B" and Carmel Valley Road in accordance with the alignments indicated in the Torrey Highlands Subarea IV Plan. Private streets would also be developed with both Units 1 and 2. The project would install utilities to serve the dwellings, and a connection and access road/trail to the Carmel Valley Trunk Sewer in McGonigle Canyon. This connection/access road/trail to the trunk sewer would serve four developments (Fairbanks Country Villas, Torrey Ranch, LMXU and Shaw).

The Planning Commission considered this project on August 8, 2002, and voted 5-0-0 to recommend that the City Council adopt staff recommendations to approve the project as presented in Planning Commission Report No. P-02-134. There was no opposition to the project.

The Rancho Penasquitos Planning Board, as the representative of the neighboring community, voted 12-0-0 on May 1, 2002, to recommend approval of the project.

The City Manager recommends that the City Council adopt the Rezone, approve the Vesting Tentative Map, Street Vacation and Easement Abandonments, approve the Resource Protection Ordinance/Planned Residential Development Permit. The City Council must certify the Mitigated Negative Declaration, LDR No. 99-0329 and adopt the MMRP.

The Planning Commission Report No. P-02-134 contains information on Water Quality and Drainage.

TRAFFIC IMPACT:

The proposed project is estimated to generate approximately 896 average daily trips (ADT). One hundred thirty-five (135) of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 262,135 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by 2005-2007. Torrey Highlands is required to contribute \$5.9 million for the widening of State Route 56 from four to six lanes, and \$9.5 million for the construction of State Route 56 and Camino Ruiz interchange. This project is subject to Torrey Highlands/Subarea IV Transportation Phasing Plan. The applicant anticipates grading in 2003, initial

building in 2004, and build out and occupancy from 2005-2006.

FISCAL IMPACT: None.

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

The site is located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of 'Street B,' and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon in the Torrey Highlands Subarea IV Plan and is more particularly described as Parcel 3 of Parcel Map 6902 and Parcel 2 of Parcel Map 14768.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-334: Torrey Ranch.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Rezone, Resource Protection Ordinance Permit, Planned Residential Development Permit, Street Vacation, and Multiple Habitat Preservation Area Boundary Adjustment to create 88 lots to develop 67 market rate residential lots (73 market rate if option for affordable housing is exercised), 6 lots for 13 affordable housing units, a City park site lot, an elementary school site, a Multiple Species Conservation Program (MSCP) open space lot, a wetlands restoration area lot, 1 street lot, and 10 Homeowners Association lots. The property is currently zoned A-1-10 and the project proposes to rezone portions of the site to OC-1-1, RX-1-2, and OP-2-1. The 38.2 acre site is located north of proposed State Route 56 and west of Camino Ruiz in the Torrey Highlands Subarea Plan of the North City Planned Urbanizing area.

(3192-TM/RZ/PRO/PRD/SV/MHPA Boundary Adjustment. Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; adopt the resolution in subitem C to grant the permit and MHPA Boundary Adjustment; introduce the ordinance in subitem D:

Subitem-A: (R-2003-285)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 99-1331, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the

Torrey Ranch project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-303)

Adoption of a Resolution certifying Tentative Map No. 7497;

That pursuant to California Government Code section 66434(g), a portion of Old Survey No. 80, declared a public highway by the County of San Diego Board of Supervisors in the Memorandum of proceedings Vol. 9, Page 300, dated October 15, 1988, located within the project boundaries as shown in Tentative Map No. 7497, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 7497 is granted to T.R. II, LLC, and Poway Unified School District Facilities Financing Corporation, Applicants, and Hunsaker and Associates, Engineer, subject to the conditions.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Planned Residential Development Permit No. 7499, Resource Protection Ordinance Permit No. 7500, and MHPA Boundary Adjustment No. 7502, with appropriate findings to support Council action.

Subitem-D: (O-2003-57)

Introduction of an Ordinance changing 26.3 acres, located north of Torrey Meadows Drive, south of Carmel Valley Road, west of proposed Camino Ruiz Road, in the Torrey Highlands Subarea IV Plan area of the North City Planned Urbanizing area, in the City of San Diego, California, from the A-1-10 and HRO zones (old code) into the RX-1-2, OP-2-1, and OC-1-1 zones, as defined by San Diego Municipal Code sections 131.0404, 131.0202 and 131.0203; and repealing Ordinance No. 8858 (New Series), adopted July 10, 1963, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on August 8, 2002 voted 5-0 to approve, no opposition.

Ayes: Lettieri, Anderson, Chase, Garcia, Schultz
Not present: Brown, Steele

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

This project proposes the subdivision and development of a 38.2 acre land area into 88 lots (67 single-family residential, 6 multi-family lots, a City Park lot, an elementary school site, a Multiple Species Conservation Plan (MSCP) open space area, a wetlands restoration area, 10 Homeowners Association open space lots, and 1 private street lot). Project is located in the Torrey Highlands Subarea IV Plan area of the North City Planned Urbanizing area and is north of future SR-56 Freeway and west of Camino Ruiz in the A-1-10 zone.

Requested discretionary actions include a Rezone (from A-1-10 to RX-1-2, OC-1-1 and OP-2-1), Vesting Tentative Map, Resource Protection Ordinance Permit, Planned Residential Development Permit, Easement Vacation, and MHPA Boundary Adjustment. The easement vacation would abandon an old highway survey (Old Highway 80) that crosses a small portion of the southwest corner of the property. The Torrey Ranch project was submitted and deemed complete in December of 1999 and has therefore been reviewed for compliance with the Municipal Code in effect at that time.

TRAFFIC IMPACT:

The Torrey Ranch project is estimated to generate approximately 774 average daily trips (ADT). 100 of these trips are estimated to occur on Interstate 5 south of SR-56, which has an estimated near-term plus project volume of 266,640 ADT. The applicant anticipates construction beginning in 2003 with buildout and occupancy by the end of 2005. Caltrans is planning to widen Interstate 5 to provide ten additional lanes to be completed by 2005-2007. Torrey Highlands Subarea IV is required to contribute \$5.9 million for the widening of State Route 56 from 4 to 6 lanes, and \$11.6 million for the construction of SR-56 and Camino Ruiz interchange. The proposed project is subject to Torrey Highlands/Subarea IV Transportation Phasing Plan.

FISCAL IMPACT:

All cost associated with the project are recovered from a deposit provided by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is identified as Parcel W in the Torrey Highlands Subarea Plan and is located north of State Route 56 (SR-56) and west of Camino Ruiz in the North City Planned Urbanizing Area and is more particularly described as Parcel 1 of Map No. 8133.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-335: Shaw Property.

Matter of approving, conditionally approving, modifying or denying a 2-unit, 142-lot subdivision of a 39.4 gross acre site for the development of 84-multi-family and 107-single-family dwelling units through a Tentative Map, Planned Residential Development and Resource Protection Ordinance Permit, Rezone from the AR-1-1 zone to the RM-2-5, RX-1-2 and OC-1-1 zones, a vacation of open space easements previously granted to the City of San Diego and amendments to the Progress guide and General plan and Torrey Highlands Subarea IV Plan for property located on the north and south sides of the State Route 56 Freeway westerly of Camino Ruiz within the boundaries of the Torrey Highlands Subarea IV Plan area.

(TM/PRD/RPO/RZ/CPA/Easement Vacation No. 99-0518. Torrey Highlands Subarea IV Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; adopt the resolution in subitem C to grant the map and the open space easement abandonment; adopt the resolution in subitem D to grant the permits; and introduce the ordinance in subitem E:

Subitem-A: (R-2003-275)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 99-0518, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Shaw Property project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code, section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-276)

Adoption of a Resolution approving the amendments to the Torrey Highlands Subarea IV Plan;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Tentative Map No. 99-0518 and Open Space Easement Abandonment No. 7094, with appropriate findings to support Council action.

Subitem-D: (R-2003-)

Adoption of a Resolution granting or denying Planned Residential Development Permit No. 7090 and Resource Protection Ordinance Permit No. 7091, with appropriate findings to support Council action.

Subitem-E: (O-2003-56)

Introduction of an Ordinance changing a portion of 39.4 acres, located between Torrey Meadows Drive and Torrey Santa Fe Road west of Camino Ruiz, in the Torrey Highlands Subarea IV Plan area, in the City of San Diego, California, from the AR-1-1 (previously referred to as the A-1-10 and HRO zones) into the RX-1-2, RM-2-5 and OC-1-1 zones, as defined by San Diego Municipal Code sections 131.0303, 131.0404, 131.0406 and 131.0203; and repealing Ordinance Nos. 8858 (New Series) and 12657 (New Series), adopted July 18, 1963 and May 22, 1979 respectively, of the ordinances of the City of San Diego insofar as the same conflict herewith.

OTHER RECOMMENDATIONS:

Planning Commission on August 1, 2002, voted 6-1 to approve, with one modification to of the rezone (applying OC-1-1 to the open space lots); no opposition.

Ayes: Anderson, Lettieri, Garcia, Steele, Brown, Schultz

Nays: Chase

The Rancho Penasquitos Planning Board on July 2, 2002, voted 17-0-0 to recommend approval of this project.

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

This project proposes the subdivision and development of a 39.4 acre land area into 142-lots (107 single-family residential, 4 multi-family lots, 3 private streets, 2 open space, 1 freeway r.o.w., and 25 building restricted lots), located in the Torrey Highlands Subarea IV Plan area generally west of Camino Ruiz on the north and south sides of the SR-56 Freeway AR-1-1 (proposed AR-1-1, OC-1-1, RX-1-2 and RM-2-5) zone. The General and Community Plan amendments increase residential density on the multi-family area adjacent to the core LMXU site and the Open Space easement abandonment is required to implement the 'B' Street alignment required by City Council when the Torrey Santa Fe project was approved.

The Resource Protection Ordinance and Planned Residential Development Permit would regulate the subsequent buildout of the project components.

The Planning Commission Report No. P-02-105, contains information on Water Quality and Drainage.

TRAFFIC IMPACT:

A Traffic Impact Analysis table and description has been prepared for the City Council. The applicant anticipates grading of the site in 2003, initial building in 2004, and buildout and occupancy from 2005-2006. Developer's fees fund SR-56 and other major street construction and a Transportation Phasing Plan has been adopted for the Torrey Highlands Subarea Plan area.

FISCAL IMPACT: None.

Ewell/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is located south of Carmel Valley Road, southwest of the proposed Camino Ruiz alignment, and east of McGonigle canyon in the Torrey Highlands Subarea IV Plan and is more particularly described as a portion of Parcel B of Parcel Map 6038.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-336: Windansea Luxury Condos.

Matter of approving, conditionally approving, modifying or denying an Easement Abandonment, Tentative Map, Coastal Development Permit, and Public Right-of-Way Permit to demolish an existing apartment building and garage, and to construct a new, approximately 12,195-square-foot, three-story, five-unit condominium building with subterranean parking accessed from the alley. The project would also include the abandonment of an existing sewer easement on the property, and the encroachment of a retaining wall within the public alley right-of-way where the applicant is not the record owner of the alley. The project site is located at 231 Bonair Street in the RM-3-7 Zone, the Coastal Overlay Zone (Appealable Area), the Beach Impact Area Parking Overlay Zone, the Residential Tandem Parking Overlay Zone, the Transit Overlay Zone, and the Coastal Height Limit Overlay Zone, within the La Jolla Community Planning Area.

(Easement Abandonment/TM/CDP/Public R-O-W Permit/Project No. 1473. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2003-294)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 40-0337 has been completed in compliance

with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a coastal development permit, easement abandonment, public right-of-way use permit and tentative map for the Windansea Luxury Condos project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-308)

Adoption of a Resolution certifying the findings with respect to Tentative Map No. 7282;

That pursuant to California Government Code section 66434(g), the sewer easement in Lots 4, 5 and 6 of Block 1, of La Jolla Strand Map 1216, recorded November 26, 1923, in Book 961, Page 412 of Deeds located within the project boundaries as shown in Tentative Map No. 7282, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 7282 is granted to La Jolla Partners, Applicant and Partners Planning & Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Coastal Development Permit No. 7283, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 1, 2002, voted 7 - 0 to approve; no opposition.

Ayes: Brown, Steele, Anderson, Lettieri, Chase, Garcia, Schultz

The La Jolla Community Planning Association has recommended approval of the project.

SUPPORTING INFORMATION:

This is a request for a Sewer Easement Abandonment, a Public Right-of-Way Permit, a Tentative Map and a Coastal Development Permit to demolish 3 dwelling units with a detached garage, and construct a 5-unit condominium structure above subterranean parking. The 6,750-square-foot site is located at 231 Bonair Street, between La Jolla Boulevard and Neptune Place, and lies within the RM-3-7 Zone, the Coastal Overlay Zone (Appealable Area), the Beach Impact Area Parking Overlay Zone, the Residential Tandem Parking Overlay Zone, the Transit Overlay Zone, and the Coastal Height Limit Overlay Zone. The proposed residences would range from approximately 1,361 square feet to 2,534 square feet in size. An 11-space subterranean garage would be accessed from the alley at the rear of the property, which is unimproved at this location. As a condition of a tentative map approval, the applicant will be required to improve the alley to provide legal access to this site. To accommodate this alley access, the project includes a Public Right-of-Way Permit since a portion of the alley improvement (a retaining wall) by the applicant is within the alley right-of-way portion where the applicant is not the record owner of the alley. This type of permit is a Process 4 level decision. The project also includes an Easement Abandonment request. A sewer easement has been located on the subject site since the early 1900s. Since the sewer main line is located within the alley right-of-way at the rear, and not on the subject site, the applicant is requesting this easement be abandoned.

The Easement Abandonment is a Process 5 level decision, which elevates the entire project to this level of processing. Planning Commission Report No. P-02-129 contains information on Water Quality.

TRAFFIC IMPACT:

This project is expected to generate a total of 40 average daily trips. The existing uses on the project site are estimated to generate approximately 24 ADT. Therefore, the proposed project would add approximately 16 additional average daily trips to the roadway system which is considered an insignificant amount of traffic. According to the applicant, occupancy of the project is anticipated to be in late 2003.

FISCAL IMPACT:

The cost of processing this project is paid for by the applicant through a deposit account.

Ewell/Christiansen/MS

LEGAL DESCRIPTION:

The proposed project is located at 231 Bonair Street, between La Jolla Boulevard and Neptune Place on the south side of Bonair Street, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Lots 4-6, Block 1, La Jolla Strand, Map 1216.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-337: Vacation of an Alley in Block 226 of Map Nos. 1651 and 1809.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-206)

Vacating the alley in Block 226 of Map Nos. 1651 and 1809, reserving out a general utility and access easement, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19509-B marked as Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to summarily vacate a portion of an alley in the Mission Beach Community area within Council District 2. That portion of the alley is a dead-end, and serves only as a driveway for two cross-alley property owners who are jointly requesting that the alley be vacated. The owners presently reside on the property but they are considering possible future re-development. The block consists of six lots and the underlying zone (MBPD-R-N) could permit the construction of eight new multifamily units total. A general utility and access easement will be reserved over a portion of the area to be vacated. On April 10, 2001, the Mission Beach Precise Planning Board recommended approval of the alley vacation by a vote of 5-1-1. The property owners have been informed that future re-development of the property will require the approval of discretionary permits including probably the vacation of the easement reserved by this action. They have, however, declined to proceed with the permits at this time. The area of the alley to be vacated was acquired at no cost to the City. City staff recommends approval of the alley vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. Being a dead end alley it is unlikely that a street would be built.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a R-N-76 zone which is consistent with the community plan land use designation. The Mission Beach Precise Planning Board recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-338: Two actions related to Pump Station 30A Alternative - Eminent Domain Request.

(See City Manager Report CMR-02-207. University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-315)

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest and necessity of the City of San Diego require the acquisition of certain easements and rights-of-way over the property for the construction, operation, and maintenance of the Pump Station 30A alternative project, and all incidents and appurtenances thereto, and directing the filing of eminent domain proceedings to condemn, acquire, and obtain prejudgment possession of the property for the use of the City.

NOTE: 6 votes required.

Subitem-B: (R-2003-327)

Stating for the record that the final Mitigated Negative Declaration LDR-98-0911 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT